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ATTORNEY'S DOCKET NO. B00801/70237(ERG/MXA)

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10/25/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Wessels et al.  
Serial No.: 10/005,200  
Confirmation No.: Unknown  
Filed: December 5, 2001  
For: PREVENTION AND TREATMENT OF STREPTOCOCCAL AND STAPHYLOCOCCAL INFECTION  
Examiner: Unassigned  
Art Unit: Unknown

COPY OF PAPERS  
ORIGINALLY FILED

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 11 day of April, 2002.

Edward R. Gates  
Edward R. Gates

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is/are the following document(s):

- [x] Information Disclosure Statement
- [x] Form PTO-1449
- [x] Cited References
- [x] Certificate of Mailing
- [x] Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No check is enclosed. If a fee is required, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully Submitted,

Edward R. Gates

Edward R. Gates  
Reg. No. 31,616  
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Docket No. B00801/70237  
Date: April 11, 2002  
X05/01/02



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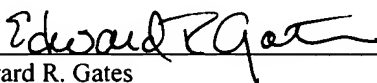
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Edward R. Gates

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Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

**PTA**

Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by the office of the undersigned more than 30 days prior to filing of this Information Disclosure Statement.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The following are remarks concerning the other information cited:

PART III: Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.


Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

Serial No.: 10/005,200

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An early and favorable action is hereby requested.

Respectfully submitted,  
*Wessels et al., Applicant(s)*

By:   
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Docket No. B00801/70237  
Dated: April 17, 2002  
**X05/01/02**

APR 23 2002

<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/005,200		ATTY. DOCKET NO.: B00801/70237		
				FILING DATE: December 5, 2001		Confirmation No. Unknown		
				APPLICANT: Wessels et al.				
				GROUP ART UNIT: Unknown		<b>EXAMINER: Unassigned</b>		
Sheet	1	of	1					

## U.S. PATENT DOCUMENTS

Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		

## FOREIGN PATENT DOCUMENTS

Examiner's Initials#	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B5	JP	03188279		Denki Kagaku Kogyo KK	03/12/1993	
	B6	JP	04299062		Kurachi Yutaka	04/19/1994	
	B7	PCT	US01/29636		International Search Report	09/21/2001	

## OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials#	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
	C33	CYWES, C. et al., "CD44 as a receptor for colonization of the pharynx by group A <i>Streptococcus</i> ", <i>The Journal of Clinical Investigation</i> , October 2000, Pages 995-1002, Vol. 106, No. 8		
	C34	CYWES, C. et al., "Group A <i>Streptococcus</i> tissue invasion by CD44-mediated cell signalling", <i>Nature</i> , December 6, 2001, Pages 648-652, Vol. 414, Macmillan Magazines Ltd.		
	C35	SCHRAGER, H.M. et al., "Hyaluronic Acid Capsule Modulates M Protein-mediated Adherence and Acts as a Ligand for Attachment of Group A <i>Streptococcus</i> to CD44 on Human Keratinocytes", <i>J. Clin. Invest.</i> , April 1998, Pages 1708-1716, Vol. 101, No. 8		

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application. Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).